HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.7735 OF 2007

Between:

D. Venkateswara Rao

…Petitioner

AND

The Commissioner and Director of Handlooms,
And Textiles and Development Commissioner
Apparel for Export Parks, B.R.K. Bhavan,
Tank Bund, Hyderabad

...Respondent

: O R D E R :

Counsel for the petitioner : Shri K.R. Srinivas

24th April, 2007

Per G.S.SINGHVI,

This petition is directed against order dated 21-3-2007 whereby Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal') dismissed the original application filed by the petitioner for quashing his suspension.

A perusal of the record shows that within 24 hours of the issue of order of suspension, the petitioner filed an application under Section 19 of the Administrative Tribunals Act, 1985 (for short, 'the Act') by contending that the order of suspension was passed by Commissioner and Director for Handlooms and Textiles and Development Commissioner for Apparel Export Parks, Andhra Pradesh, Hyderabad (respondent herein) without application of mind.

The Tribunal dismissed the application on the ground that the petitioner has not availed the statutory remedy of appeal available to him under Rule 33 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for short, 'the Rules').

We have heard Shri K.R. Srinivas, learned counsel for the petitioner and perused the record. In our opinion, the view expressed by the Tribunal on the maintainability of the application filed by the petitioner does not suffer from any legal infirmity. Rather, it is in consonance with the plain language of Section 20(1) of the Act, which declares that a tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievance. Rule 33 of the Rules, which provides for remedy of appeal against order of suspension can certainly be treated as an effective statutory mode of redressal of grievance against the order of suspension. Therefore, the petitioner ought to have first availed the remedy of appeal and then sought intervention of the Tribunal, if he

did not feel satisfied with the result of the appeal. However, the fact of the matter is that even before the ink of the order of suspension could dry, the petitioner rushed to the Tribunal for quashing of the order of suspension. Unfortunately for him and fortunately for the system, the Tribunal declined to entertain his prayer and we do not see any reason to differ with it.

For the reasons stated above, the writ petition is dismissed. For filing a frivolous petition like the present one, the petitioner is saddled with costs of Rs.5,000/-, which he shall deposit with the Andhra Pradesh State Legal Services Authority within a period of one month from today.

As a sequel to dismissal of the writ petition, WPMP No. 9919 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

24th April, 2007
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